

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Finding on a Petition To Delist the Grizzly Bear in the Northern Continental Divide Ecosystem, the Cabinet-Yaak Ecosystem, the Selkirk Ecosystem, and the North Cascades Ecosystem

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants. The petitioner requested that the Service delist the grizzly bear (*Ursus arctos horribilis*) populations in the Northern Continental Divide ecosystem, the Cabinet-Yaak ecosystem, the Selkirk ecosystem, and the North Cascades ecosystem. The Service finds that the petitioner did not provide substantial information to indicate that the requested action may be warranted for any of the four populations.

DATES: The finding announced in this notice was approved on August 10, 1993.

ADDRESSES: Questions and comments concerning this finding should be sent to Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, NS 312, University of Montana, Missoula, Montana 59812. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the Service office at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen (see **ADDRESSES** above), telephone (406) 329-3223.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a 90-day finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted.

On December 11, 1992, a petition was received from James F. Rathbun dated December 8, 1992. The petitioner requested that the Fish and Wildlife Service (Service) delist the grizzly bear (*Ursus arctos horribilis*) populations in

the Northern Continental Divide ecosystem, the Cabinet-Yaak ecosystem, the Selkirk ecosystem, and the North Cascades ecosystem.

The petitioner asserted that the species was not historically abundant in these four ecosystems and that the species should never have been listed in these ecosystems because there is no evidence that the populations were ever threatened or endangered. The petitioner did not provide any information to substantiate these assertions. Reliable historical information on grizzly bear numbers is not available. Recent studies of grizzly bear habitats and densities provide support that these ecosystems historically maintained a higher population number of grizzly bears than exists today. Threats identified in the final rule that listed the grizzly bear as a threatened species (41 FR 12382) showed that the grizzly bear in the lower 48 States was indeed a species that could become endangered in the foreseeable future. Furthermore, the Service recently published findings on two petitions, one for the North Cascades ecosystem (55 FR 33892) and one for the Cabinet-Yaak ecosystem (58 FR 8256), that indicated that reclassification of grizzly bears from threatened to endangered within each of these two ecosystems was warranted, but precluded by species with higher listing priorities.

The petitioner asserted that the above four ecosystems represent fringe areas that extend into the United States from Canada, and that grizzly bears in Canada are not threatened or endangered. The petitioner further asserted that these four grizzly bear populations are not distinct populations because they inhabit an ecosystem that is part of the larger (Canadian) ecosystem and because individual grizzly bears migrate across the U.S./Canadian border.

The Service disagreed that these United States ecosystems represent extensions of Canadian ecosystems. Historically, the range of the grizzly bear extended from Mexico throughout the United States west of the Mississippi River northward to Alaska. Today, the range of the grizzly bear is confined to less than 2 percent of its original area in the contiguous United States in distinct regions of Montana, Idaho, Wyoming, and Washington. Grizzly bear populations in the conterminous United States currently exist in ecosystems that represent the remaining fragments of the once extensive grizzly bear range throughout the southern portion of North America.

While grizzly bears are more abundant in Canada, there have been

significant habitat modifications within Canada that are suspected to have caused declines or losses of grizzly bear populations in many areas.

The Service agreed that grizzly bears migrate across the U.S./Canadian border and that grizzly bears in the United States ecosystems are not separate from grizzly bears in adjacent Canadian ecosystems. However, such separation is not required for listing populations under the Act.

The petitioner also asserted that the Glacier National Park portion of the Northern Continental Divide ecosystem is, by itself, large enough to be a grizzly bear ecosystem. The petitioner did not provide any information to substantiate this assertion. The Service believes that Glacier National Park alone is not capable of sustaining a large enough population of grizzly bears to ensure long-term genetic viability and survival of the population and therefore does not constitute an adequate grizzly bear recovery zone.

In summary, the Service found that the petitioner did not supply substantial information to indicate that the petitioned action may be warranted in the Northern Continental Divide ecosystem, the Cabinet-Yaak ecosystem, the Selkirk ecosystem, or the North Cascades ecosystem. More detailed information regarding the above decisions may be obtained from the Service's Missoula office (see **ADDRESSES** above).

Author

This notice was prepared by Patricia Worthing at the Service's Ecological Services Office, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: August 10, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93-19901 Filed 8-17-93; 8:45 am]

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Notice of Finding on a Petition To Change the Status of the Grizzly Bear Populations in the Yellowstone Grizzly Bear Ecosystem and the Northern Continental Divide Ecosystem From Threatened to Recovered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service announces a 90-day finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants. The petitioners requested that the grizzly bear (*Ursus arctos horribilis*) populations in the Yellowstone Grizzly Bear ecosystem and the Northern Continental Divide ecosystem be reclassified from threatened to recovered. The Fish and Wildlife Service finds that the petitioners did not provide substantial information to indicate that the petitioned action may be warranted for either population.

DATES: The finding announced in this notice was approved on August 10, 1993.

ADDRESSES: Questions and comments concerning this finding should be sent to Dr. Christopher Servheen, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, NS 312, University of Montana, Missoula, Montana 59812. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the Fish and Wildlife Service office at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Christopher Servheen (see ADDRESSES above), telephone (406) 329-3223.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a 90-day finding on whether a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted.

On July 17, 1992, a petition was received from the Montanans for Multiple Use dated July 9, 1992. The petitioners requested that the Service reclassify the grizzly bear (*Ursus arctos*

horribilis) populations in the Northern Continental Divide ecosystem and the Yellowstone Grizzly Bear ecosystem from threatened to recovered.

The petitioners asserted that various grizzly bear population estimates for the Northern Continental Divide ecosystem and the Yellowstone Grizzly Bear ecosystem meet the recovery criteria detailed in the draft revised Grizzly Bear Recovery Plan (Recovery Plan) (U.S. Fish and Wildlife Service 1992). The Service agrees that both grizzly populations meet some of the criteria necessary to warrant delisting; however, each population fails to meet certain criteria detailed in the Recovery Plan. The population in the Yellowstone Grizzly Bear ecosystem does not meet the criteria for distribution of family groups, and the Northern Continental Divide ecosystem does not meet the 6-year period required for recording population parameters. Further, prior to delisting, the Recovery Plan recommends completion of a conservation plan to ensure conservation of the population and its habitat after delisting. Such a conservation plan has not been completed for either the Yellowstone Grizzly Bear ecosystem or the Northern Continental Divide ecosystem.

At such time that any grizzly bear population meets all the recovery criteria established in the then current Grizzly Bear Recovery Plan, and when a conservation strategy is approved to ensure that the grizzly bear is adequately managed after delisting, delisting of the population will be pursued. If a population is delisted, the responsibility for its continued management will revert back to the State wildlife agency.

In summary, the Service found that the petitioners did not provide substantial scientific or commercial information to indicate that their petitioned action may be warranted in either the Northern Continental Divide ecosystem or the Yellowstone Grizzly Bear ecosystem. More detailed information regarding the above decisions may be obtained from the Service's Missoula office (see ADDRESSES above).

References Cited

U.S. Fish and Wildlife Service. 1992. Draft Revised Grizzly Bear Recovery Plan. Missoula, Montana. 200 pp.

Author

This notice was prepared by Anne Vandehey at the Service's Missoula office (see ADDRESSES above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: August 10, 1993.

Richard N. Smith,
Acting Director, Fish and Wildlife Service.
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50 CFR Part 17

RIN 1018-AC09

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Lake Erie Water Snake, *Nerodia sipedon insularum*

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to determine threatened status for the Lake Erie water snake, *Nerodia sipedon insularum*, and thereby provide the species protection under the Endangered Species Act of 1973, as amended. This island subspecies was once abundant and widespread throughout the islands of Lake Erie and on the adjacent mainland. However, in the last 50 years, the population has dramatically declined due to habitat loss caused by rapid shoreline development and to active eradication by island residents. The snake population has been reduced on all islands and eliminated from at least one island where it once was abundant. The population is currently estimated to include only 1262 adults.

DATES: Comments from all interested parties must be received by November 16, 1993. Public hearing requests must be received by October 4, 1993.

ADDRESSES: Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, Federal Building, 1 Federal Drive, Fort Snelling, Minnesota, 55111-4056. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Craig Johnson, Chief, Division of Endangered Species, at the above address (612-725-3276).